

EXHIBIT 12

Affidavit of Ric Oberlink

AFFIDAVIT OF RIC OBERLINK

BEFORE ME, the undersigned authority, personally appeared, Ric Oberlink, who upon being first duly sworn, states as follows:

1. My name is Ric Oberlink, and I live at 1007 Allston Way, Berkeley, California. I have resided at this location for almost 40 years.

2. After finishing high school in 1971, I enlisted and served two years in the U.S. Army. I graduated from the University of Illinois with a major in political science and a minor in environmental studies. I then earned a J.D. at the UC-Berkeley School of Law where my studies included a clinical semester with the Sierra Club Legal Defense Fund. From 1981 to 1984 and from 1987 to 1992, I worked as an attorney at two general civil practice firms in Oakland, California. From 1984 to 1987, I spent much of my time traveling in Asia, Australia, and New Zealand. From 1992 to 1997, I served as executive director of Californians for Population Stabilization (CAPS). Since then, I have been self-employed as a consultant to nonprofit organizations, including CAPS.

3. I have long been concerned about degradation of the natural environment and, in particular, the increasing negative impact upon the environment from a growing number of humans. My first term paper was on the effects of air pollution for a high school biology class, and while still in high school, I joined my first

environmental organization, Zero Population Growth (ZPG), because it addressed this key driver of environmental problems—population growth. In 1986, ZPG-California separated from ZPG's Washington, D.C. office and became Californians for Population Stabilization. While I have been a member of numerous environmental organizations over the years, including 30 years with the Sierra Club, CAPS is the only organization in which I have maintained my membership over such a long period. CAPS reflects my views that population growth is a major threat to a healthy environment.

4. Outdoor recreation provides me with great pleasure. I enjoy the beauty and wonder of nature, and frequently take joy in the solitude that one may find there. Hiking trails in local and regional parks are much more crowded with people than they were when I hiked on them decades ago. While I am glad that others share my appreciation of nature and the outdoors, my pleasure is diminished by the increased noise and activity of others and the distractions from the natural beauty around me. As an indicator of this increased usage, the Skyline Gate parking lot at Redwood Regional Park in Oakland, CA, my most common hiking trailhead, is frequently full on weekends with an overflow of cars parked on the street. This seldom, if ever, occurred when I began hiking in the park years ago.

5. An increased human population has made camping in wilderness areas and national parks much more troublesome and much less convenient than it was

in previous years when population levels were lower. Camping spots in prime areas at peak times require advance reservations, often far in advance. For popular parks such as Yosemite, this means not just the summer months, but spring and fall as well. Even such a rigorous activity as climbing Mount Whitney, the highest mountain in the continental United States, is governed by a lottery beginning February 15 for the following summer. Consequently, I adjust my schedule in order to find times when certain camping spots are available, but even that does not guarantee access. On one occasion, a friend and I visited Joshua Tree National Park in summer, figuring that the desert park would be less used during the hot season. Even then, we arrived to find that all of the campsites were full and had to drive outside the park late at night to obtain a motel room. By contrast, when I visited national parks in the less densely populated countries of Australia, Norway, and New Zealand, I found that the general rule is that one can show up at any time at a national park and find camping available. I listened with envy when an older friend told me that in his teenage years a typical summer weekend meant throwing a sleeping bag into the car trunk on Friday evening, driving to Yosemite National Park, and sleeping in Tuolumne Meadows, without making any advance reservations. Those days are gone here in much of the United States.

6. Climbing Mt. Shasta and climbing Mt. Whitney have been on my bucket list, and I may still get around to attempting those summits. In the early 1980's,

some friends and I planned an attempt to climb Mt. Shasta, but cancelled it due to inclement weather. Today, unlike then, climbers on Shasta and Whitney must collect and pack out their human waste, certainly not the most pleasant of endeavors. This requirement is becoming more common; it has been instituted for portions of Canyonlands National Park in Utah and Vermilion Cliffs National Monument in Arizona, for example. To some extent, this regulation reflects an evolving wilderness ethic for fragile lands and I support that, but it also reflects the consequences of too many people using a limited resource.

7. Carson Pass used to be one of my favorite areas for cross-country skiing in the Sierra Nevada. While the scenery and terrain are still sublime, the regulations regarding usage have become onerous since I skied there several times in the 1980.s. Then, no camping permits were needed, at least for winter camping. Now, permits are required and limited, even for snow camping. A guide for hiking from Tahoe to Yosemite notes, “The Carson Pass Management Area is incredibly regulated.... I was stunned (but not surprised) when they even went to the extent of actually *assigning* campsites.... [T]he problem comes down to ... its easy accessibility from huge and growing population centers....”

(<https://tahoetowhitney.com>, emphasis in original). What is even worse from my perspective is that dogs must now be leashed. Watching my dog romp through the snow gives me great pleasure so I no longer visit the Carson Pass area. I think

skiing with a dog on leash would be not only burdensome but also potentially dangerous.

8. Bicycling is also an important part of my life—for transportation, recreation, and fitness. It is my primary cardiovascular fitness activity. Many of the semi-rural, bucolic routes that I once cycled have lost their secluded nature and are now much more heavily trafficked. My cycling is considerably less pleasant and substantially more dangerous. A large section of open space along Castro Ranch Road in El Sobrante, CA has succumbed to housing developments and a concomitant increase in automobile traffic. Camino Pablo, a useful connector between Briones Regional Park and the Orinda BART station in Orinda, CA, is now a busy thoroughfare. This is largely due to unending population growth, virtually all of which stems from immigration.

9. While bicycle touring in New Zealand and Norway, I was able to camp on empty beaches at the end of the day of cycling. This made cycle touring easy and pleasurable, allowing me to be spontaneous. The lack of development provided access to beautiful scenery that I enjoyed immensely. By way of contrast, much of the California coast is heavily populated. Consequently, the few public beaches are crowded and highly regulated, requiring advance reservations for camping.

10. From 1984 to 1987, I spent much of my time in foreign travel. Upon my return, the first several times that I used Interstate 80, the freeway near my home, I

assumed that there had been a traffic accident because of the heavy traffic congestion. Eventually, I learned that this was the new norm, traffic congestion throughout the day, not just during commute hours. From 1980 to 1990, population in the 9-county San Francisco Bay Area grew over 16 percent, from 5.2 million to over 6 million. It now exceeds 7.6 million.

11. The Center for Immigration Studies (CIS) has produced a county-by-county study of immigrant population growth. In Alameda County, where I live, the portion of the population comprised of immigrants soared from 18 percent in 1990 to 31 percent in 2014, to a total of about half a million. (Griffith, Bryan and Steven Camarota, “County Map: Growth of Adult Immigrant Population, 1990 to 2014,” CIS, Sept. 2016). This figure does not include the population growth that results from the offspring of immigrants.

12. CIS, using Census Bureau data, has also calculated the 2015 total population of immigrants and their minor children in California at nearly 15 million. Thus, just this two-generation impact of immigration comprises 37.4 percent of the state’s total population. (Griffith, Bryan and Steven Camarota, “State Map: Number of Immigrants and Their Minor Children,” CIS, Sept. 2016).

13. Contrary to common perceptions, interstate migration is not a contributor to population growth in California. For most of the last two decades, there has been a net outflow of Californians to other states. According to the state’s Department

of Finance, outmigration has averaged over 50,000 per annum for the five years up to 2015.

14. Like many environmentalists, I understand that restraining human population growth is an important part of protecting the environment and ensuring suitable habitat for an array of other species. My undergraduate and legal studies in environmental protection covered a broad range of scientific research and legal theories. In four classes—two in undergrad and two in law school—the professors presented as the first reading assignment, “The Tragedy of the Commons,” an essay by Garrett Hardin on how finite resources are destroyed by continuing population growth. Hardin, a professor at UC-Santa Barbara, was instrumental in the formation of CAPS in 1986 and served on its Advisory Board until his death in 2003.

15. When I first began working on population issues in the 1970s, the majority of population growth in the United States was from what demographers call “natural increase”—the excess in the number of births over the number of deaths. Now, most population growth in this country results from immigration. According to the Pew Research Center, “[F]uture immigrants and their descendants ... are projected to account for 88 percent of the U.S. population increase, or 103 million people....” between now and 2065. (“Modern Immigration

Wave Brings 59 Million to U.S., Driving Population Growth and Change Through 2065,” Pew Research Center, Sept. 2015.)

16. My understanding from my studies and my work in the environmental field is that habitat depletion due to human activity is the greatest threat to existing biodiversity. California has more native species of animals and plants than any other state in the nation and is also home to the greatest number of endemic species. I have enjoyed observing native California landscapes over the years, many of which have disappeared under the bulldozer in order to satisfy more population growth. The California Department of Fish and Wildlife lists 154 animal species as endangered or threatened. This biodiversity is threatened by California’s growing population, which has doubled since 1970—the year of the first Earth Day—to its current figure of over 39 million. The Demographic Research Unit of California’s Department of Finance, designated as “the single official source of demographic data for state planning and budgeting,” projects that the state’s population will grow to 52 million by 2060.

17. The National Environmental Policy Act (NEPA) is the federal government’s primary tool for protecting the natural environment in the United States. Congress unequivocally called for consideration of the effect that human population growth has upon environmental quality when it passed NEPA. 42 U.S. Code § 4331 states the concern of Congress for the environment, “particularly the

profound influences of population growth” and the desire of the federal government to “achieve a balance between population and resource use.”

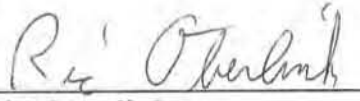
18. NEPA requires all departments and agencies to consider the environmental implications of any major action that significantly affects the environment and to assess alternatives to the proposed action. Since population growth is a major driver of environmental degradation, and since most population growth in this country results from immigration, it is imperative that the Department of Homeland Security prepares Environmental Impact Statements on its actions that affect population growth in the U.S., including actions that affect the amount of immigration.

19. I understand that DHS has never undertaken an environmental review of its immigration-related actions and policies. Had DHS considered the environmental implications of its immigration actions, it might have chosen different actions, resulting in a California and an America with lower levels of population, more open space and wildlife habitat, and less environmental damage than that which we have today. Failure to review future actions could condemn this country to never-ending population growth and further diminution of natural resources.

20. I fear that the continued failure of DHS to subject its immigration-related actions and policies to environmental review will result in additional

population growth to this country with a concomitant increase in environmental degradation. Such growth will result in increased crowding, noise, and human activity in the parklands and wilderness that I enjoy and will diminish my enjoyment of them.

FURTHER AFFIANT SAYETH NOT.


Ric Oberlink

Subscribed and sworn to before me on _____, by Ric Oberlink. He is personally known to me or has presented _____ as identification.


NOTARY PUBLIC
STATE OF CALIFORNIA
MY COMMISSION EXPIRES

CALIFORNIA JURAT WITH AFFIANT STATEMENT**GOVERNMENT CODE § 8202**

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

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Ric Oberlink

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of ALAMEDA

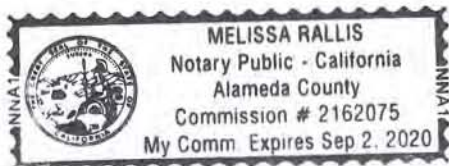
Subscribed and sworn to (or affirmed) before me

on this 5 day of OCTOBER, 2016,
 by Date Month Year

(1) RIC OBERLINK

(and (2) _____),
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
 to be the person(s) who appeared before me.



Signature Melissa Rallis
 Signature of Notary Public

Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit of Ric Oberlink Document Date: —

Number of Pages: 10 Signer(s) Other Than Named Above: —